IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

(1)CAO NGUYEN, INC. an Oklahoma corporation,)
Plaintiff,)
vs.) Case No. CIV-08-01244-M
)
(1)SAIGON-TAIPEI INC.,)
a Texas corporation and)
)
(2)KIM SENG COMPANY,)
a California Corporation,)
)
(3)SAIGON TAIPEI MARKET #4,)
LLC, an Oklahoma limited liability)
company)
)
Defendants.)

DEFENDANTS' EXHIBIT LIST

Defendants Kim Seng Company and Saigon Taipei Market #4, LLC ("Defendants") submit the following list of Exhibits in accordance with the Court's December 22, 2009, Scheduling Order (Doc. No. 46). Defendants reserve the right to supplement this list as discovery in this matter is ongoing.

	Expect to Use
1.	Declaration of Mrs. Rachanee Adhiphandhaumphai, Manager of Vudhichai Produce Co., Ltd.
2.	Declaration of Mr. Thaveesook Panya, Export Staff of Vudhichai Produce Co., Ltd.
3.	Picture of Rose Brand Bag in 2002 (Bates Nos. CAO-NGUYEN_00463 – 00464)

4.	Picture of Double Parrot Brand 5 lb. bag (Bates No. DEF. 001871)
5.	Picture of Double Parrot Brand 4 lb. bag (Bates No. DEF. 00872)
6.	Kim Seng invoices showing Rose Brand sales to Chinatown Supermarket in 2001 (Bates Nos. DEF. 1465 – 1467, 1623, 1635, 1648, 1666, 1689, 1721, 1744)
7.	Kim Seng invoices showing Rose Brand sales to Chinatown Supermarket in 2002 (Bates Nos. DEF. 001881, 00192,001947, 001972, 002010, 002020, 002039, 002096, 002127)
9.	Kim Seng invoices showing Rose Brand sales in Oklahoma City before December 15, 1999 (Bates No. DEF 000335, 000357, 000928, 000970, 000997, 001095)
10.	Kim Seng invoices showing Rose Brand sales to Tai Nam Market in Chicago before December 15, 1999 (Bates Nos. DEF 000890, 000894 – 000895, 000897, 000899)
11.	Kim Seng invoice showing Rose Brand sale to General Marketing in 1997 (Bates No. DEF 000343)
12.	Picture of Rose Brand packaging from Universal Rice Co, Ltd. (Bates No. DEF. 000403; STM 00060-00061)
13.	Cao Nguyen invoices that do not include Nang Huong Cho Dao from 2003 (Bates Nos. CAO-NGUYEN_00554, – 00567, 00571, 00572, 00574, 00575, 00577, 00578)
14.	Cao Nguyen Invoices that do not include Nang Huong Cho Dao from 2004 (Bates Nos. CAO-NGUYEN_00551, 00552, 00553, 00555, 00558, 00582, 00640)
15.	Cao Nguyen Invoices that do not include Nang Huong Cho Dao from 2005 (Bates Nos. CAO-NGUYEN_00517, 00518, 00638)
16.	Cao Nguyen Invoices that do not include Nang Huong Cho Dao from 2006 (Bates Nos. CAO-NGUYEN_00606, 00609, 00615, 00619)
17.	Cao Nguyen Invoices that do not include Nang Huong Cho Dao from 2007 (Bates Nos. CAO-NGUYEN_00593, 00596 - 00599
18.	Cao Nguyen Invoices that do not include Nang Huong Cho Dao from 2008 (Bates Nos. CAO-NGUYEN_00795)

19.	Cao Nguyen invoices that include Nang Huong Cho Dao from 2008 (Bates Nos. CAO-NGUYEN_00530, 00531, 00533, 00541, 00794)
20.	Cao Nguyen Bill of Ladings that include Nang Huong Cho Dao from 2008 (Bates No. CAO-NGUYEN_00785)
21.	Cao Nguyen invoices that include Nang Huong Cho Dao from 2009 (Bates Nos. CAO-NGUYEN_00663, 00673, 00710, 00711, 00752, 00739, 00740)
22.	Cao Nguyen Bill of Ladings that include Nang Huong Cho Dao from 2009 (Bates Nos. CAO-NGUYEN_00664, 00666, 00712, 00741)
23.	Letter from Charles L. McLawhorn, III to Marc A. Hubbard dated August 12, 2008 (Bates Nos. CAO-NGUYEN_00341 – 00342)
24.	Dr. Steve Linscombe Expert Report (Bates Nos. LINS 00001 – 00051)
25.	D.R. Harris Expert Report (Bates Nos. Harris 00001 -00071)
26.	Shipping documents reflecting Kim Seng's costs from 2002 (Bates Nos. DEF. 002298 – 002315)
27.	Shipping documents reflecting Kim Seng's costs from 2003 (Bates Nos. DEF. 002316 – 002335)
28.	Shipping documents reflecting Kim Seng's costs from 2004 (Bates Nos. DEF. 002336 – 002356)
29.	Shipping documents reflecting Kim Seng's costs from 2005 (Bates Nos. DEF. 002357 – 002390)
30.	Shipping documents reflecting Kim Seng's costs from 2006 (Bates Nos. DEF. 002391 – 002439)
31.	Shipping documents reflecting Kim Seng's costs from 2007 (Bates Nos. DEF. 002440 – 002480)
32.	Shipping documents reflecting Kim Seng's costs from 2008 (Bates Nos. DEF. 002481 – 002504)
33.	Shipping documents reflecting Kim Seng's costs from 2009 (Bates Nos. DEF. 002505 – 002537)

34.	Articles discussing experiments on Nang Huong Cho Dao (Bates Nos. DEF. 000173 – 000178)
35.	Articles discussing experiments on Nang Huong Cho Dao (Bates Nos. DEF 000186 – 000198)
36.	Articles discussing experiments on Nang Huong Cho Dao (Bates Nos. DEF 000288 – 000296)
37.	Articles that use Nang Huong Cho Dao in a generic sense (Bates No. DEF. 000262; STM 00064-00067)
38.	Articles that use Nang Huong Cho Dao in a generic sense (Bates Nos. DEF 000263 – 000265)
39.	Pictures of United Thai's Eagle Brand with Nang Huong Cho Dao on the bag (Bates Nos. CAO-NGUYEN_00465 – 00466)
40.	Picture of Twin Dragon Brand with Nang Huong Cho Dao on the bag (Bates Nos. CAO-NGUYEN_00467 – 00468)
41.	Kim Seng Rose Brand sales to Arizona before December 15, 1999 (Bates Nos. DEF. 000333, 001135, 001114, 001061, 000395, 000367)
42.	Kim Seng Rose Brand sales to California before December 15, 1999 (Bates Nos. DEF. 001107, 001105, 000998, 000987, 000983, 000941, 000924, 000913, 000356, 00397, 000392, 000387, 000340, 000343, 000949, 000942, 000936, 000922, 000905, 000931, 001136, 001133, 001128, 001115, 001112, 001085, 001041, 001035, 001012, 001011, 001008, 000990, 000978, 000991, 000996, 000934, 000916, 000920, 000908, 000912, 000889, 000888, 000396, 000384, 000383, 000385, 000386, 000388, 000391, 000390, 000389, 000378, 000377, 000379, 000380, 000376, 000381, 000382, 000368 – 000371, 000373, 000374, 000375, 000372, 000365, 000363, 000364, 000362, 000366, 000360, 000359, 000355, 000361, 000352, 000353, 000354, 000351, 000350, 000341, 000329, 000325, 000339, 000327, 000338, 000937, 000345, 000346, 000326, 000332, 000334, 000337, 000999, 001002, 000929, 000394, 000344, 000909, 000904, 000330, 000328, 000331, 001117, 001020, 001019, 001010, 000974, 000972, 000940, 000945, 000932, 000937, 000925, 000911, 000336)
43.	Kim Seng Rose Brand sales to Colorado before December 15, 1999 (Bates Nos. DEF 000896, 001120, 001113, 001106, 001114, 001059, 001050, 001030, 001029, 001023, 000995, 000979, 000957, 000348, 000342, 000993)

44.	Kim Seng Rose Brand sales to Florida before December 15, 1999 (Bates Nos. DEF 001092, 001052, 001031, 001137, 001083, 001097, 001003, 000952, 000966, 000956, 000955, 000944, 001051, 000923, 000926, 000914, 000902, 001007)
45.	Kim Seng Rose Brand sales to Georgia before December 15, 1999 (Bates Nos. DEF 001067, 001045, 001054, 001006, 000986, 000985, 000938, 000927, 001126, 000951, 000947, 000906, 000901, 000893, 001132, 001073, 001065, 001039, 001005, 000973, 001134, 001129, 001098, 001122, 001103, 001090, 001082, 001066, 001062, 001058, 001056, 001053, 001036, 001034, 001021, 001018, 001015, 000989, 001000, 001004, 000965, 000960, 000977, 001130, 001055, 001001, 002538, 000349)
46.	Kim Seng Rose Brand sales to Iowa before December 15, 1999 (Bates Nos. DEF 001027, 001119, 001080, 001048, 001038)
47.	Kim Seng Rose Brand sales to Illinois before December 15, 1999 (Bates Nos. DEF 001125, 001121, 001100, 001089, 001081, 001077, 001072, 001070, 001063, 001060, 001044, 001047, 001049, 001040, 001037, 001032, 001028, 000953, 000939, 000946, 000919, 000895, 000897, 000899, 000894, 000890, 001101)
48.	Kim Seng Rose Brand sales to Kansas before December 15, 1999 (Bates Nos. DEF 000981, 001096, 001123, 001111, 001074, 001042, 001016, 001013, 000962, 001057, 000903, 000358)
49.	Kim Seng Rose Brand sales to Louisiana before December 15, 1999 (Bates Nos. DEF 001088, 000969)
50.	Kim Seng Rose Brand sales to Michigan before December 15, 1999 (Bates Nos. DEF 001118, 001071, 001124, 001079, 001075, 001025, 001017, 000994, 000976, 000971, 000961, 000935, 000910)
51.	Kim Seng Rose Brand sales to Minnesota before December 15, 1999 (Bates Nos. DEF 000988, 000959)
52.	Kim Seng Rose Brand sales to Missouri before December 15, 1999 (Bates Nos. DEF 001109, 001094, 001022, 000950)
53.	Kim Seng Rose Brand sales to Nebraska before December 15, 1999 (Bates Nos. DEF 001093, 001084, 001076, 001069, 001046, 000982, 000967)

54.	Kim Seng Rose Brand sales to New Mexico before December 15, 1999 (Bates Nos. DEF 001131, 001116, 001110, 001087, 001086, 001078, 001068, 001064, 001043)
55.	Kim Seng Rose Brand sales to North Carolina before December 15, 1999 (Bates No. DEF 001102)
56.	Kim Seng Rose Brand sales to Oklahoma before December 15, 1999 (Bates Nos. DEF 001095, 000997, 000928, 000970, 000357, 000335)
57.	Kim Seng Rose Brand sales to Pennsylvania before December 15, 1999 (Bates Nos. DEF 001026, 001009, 001127, 001091, 001024, 000984, 000975, 000963, 000954, 000948, 000918, 000921, 000907, 000915, 000900, 000892)
58.	Kim Seng Rose Brand sales to Texas before December 15, 1999 (Bates No. DEF 001099)
59.	Kim Seng Rose Brand sales to Utah before December 15, 1999 (Bates Nos. DEF 001108, 001033, 000958, 000943, 000891)
60.	Kim Seng Rose Brand sales to Washington before December 15, 1999 (Bates No. DEF 000968)
61.	Cao Nguyen's federal registration
62.	All documents that Cao Nguyen submitted to the USPTO when it applied for registration
63.	Kim Seng import information from importgenius.com relied on by Cao Nguyen's damages expert to estimate revenue (Bates Nos. CAO-NGUYEN_02526 – 02529)
64.	Picture of Cao Nguyen's Victorious Elephant Brand with Nang Huong Cho Dao on the package (Bates No. CAO-NGUYEN_00660)
65.	Picture of Cao Nguyen's Reindeer Brand with Nang Huong Cho Dao on the package (Bates No. CAO-NGUYEN_00659)
66.	Picture of Cao Nguyen's Deer Brand with Nang Huong Cho Dao on the package (Bates No. CAO-NGUYEN_00661)
67.	License Agreement between Cao Nguyen and Evershing Trading Co. (Bates Nos. CAO-NGUYEN_00469 – 00470)

68.	Docs reflecting Kim Seng's Importation of Rose brand Rice from Universal Rice Company before 12-15 1999 (Bates Nos. DEF. 000404 – 000410)
69.	Combined Declaration of Use and Contestability Under Sections 8 & 15 (Bates Nos. CAO-NGUYEN_00010 – 00012)
70.	Letter from Anthony L. Rahhal to Hiep V. Nguyen dated April 13, 2007 (Bates Nos. CAO-NGUYEN_00071 – 00072)
71.	Letter from Anthony L. Rahhal to Hiep V. Nguyen dated April 13, 2007 (Bates Nos. CAO-NGUYEN_00075 - 00076)
72.	Letter from Anthony L. Rahhal to Minh Banh dated April 13, 2007 (Bates Nos. CAO-NGUYEN_00065 – 00066)
73.	Letter from Anthony L. Rahhal to Phu Banh dated April 13, 2007 (Bates Nos. CAO-NGUYEN_00068 – 00069)
74.	Letter from Anthony L. Rahhal to Jonathan Houang dated April 13, 2007 (Bates Nos. CAO-NGUYEN_00078 – 00079)
75.	Letter from Anthony L. Rahhal to Minh Banh dated April 13, 2007 (Bates Nos. CAO-NGUYEN_00063 – 00064)
76.	Letter from Charles McLawhorn, III to Kim Seng Company dated August 12, 2008 (Bates Nos. CAO-NGUYEN_00338 – 00339)
77.	Letter from Gary Tsai to Charles L. McLawhorn, III dated September 24, 2008 (Bates Nos. CAO-NGUYEN_00316 – 00317)
78.	Letter from Gary Tsai to Charles L. McLawhorn, III dated August 14, 2008 (Bates Nos. CAO-NGUYEN_00330 – 00331)
79.	Letter from Marc A. Hubbard to Anthony Rahhal dated April 30, 2007 (Bates Nos. CAO-NGUYEN_00051 – 00052)
80.	Declaration of Tri Van Luong (Bates No. CAO-NGUYEN_00023)
81.	Kim Seng's Commercial lease of Montebello, California location beginning July 2000 (Bates Nos. DEF 000236 – 000237)
82.	Kim Seng's Commercial lease of facility at 4408 Worth Street, Los Angeles, California, occupied from 1993 to 2000
83.	Cao Nguyen Accountant's Reports from September 30, 2003 through September

	30, 2009 (Bates Nos. CAO-NGUYEN_00855 – 00883)
84.	Cao Nguyen Summary Sales information from 2002 to 2009 (Bates Nos. CAO-NGUYEN_00849-00854)
85.	Expected declaration from Universal Rice Co., Ltd. attesting to Kim Seng's use of "Nang Huong Cho Dao" on Rose Brand packaging before December 15, 1999
86.	Expected demonstrative exhibit showing location of Kim Seng's Rose Brand rice in Chinatown Supermarket's store
87.	Kim Seng invoices showing continuous sales of Rose Brand rice from 2000 through the second quarter of 2003 (Bates Nos. DEF 001138 – 002293)
88.	Kim Seng inventory reports of Rose Brand rice and Double Parrot rice from third quarter 2003 through 2009 (Bates Nos. DEF 000001 – 00000167; DEF 001383 – 001447)
89.	All exhibits listed by Plaintiff and not otherwise objected to by Defendants
90.	All documents produced during discovery and all documents requested in discovery but not produced
91.	All documents used as exhibits during depositions
92.	All documents relied on by Dr. Linscombe
93.	All documents relied on by D. R. Harris
94.	All demonstrative exhibits and summaries compiled from the exhibits listed above

Respectfully submitted,

s/ Evan G. E. Vincent

Mack J. Morgan, OBA #6397
Phillip L. Free Jr., OBA #15765
Evan G. E. Vincent, OBA #22325
CROWE & DUNLEVY
A Professional Corporation
20 North Broadway
Suite 1800
Oklahoma City, OK 73102-8273
(405) 235-7700
(405) 239-6651 (Facsimile)
mack.morgan@crowedunlevy.com
phil.free@crowedunlevy.com
evan.vincent@crowedunlevy.com

ATTORNEYS FOR DEFENDANT KIM SENG COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of April, 2010, I electronically transmitted the foregoing document to the Court Clerk using the ECF System for filing. The Court Clerk will transmit a Notice of Electronic Filing to the following ECF registrants:

Clifford C. Dougherty, III Anthony L. Rahhal Robert W. Dace Andrew B. Peterson Lauren E. Barhols McAfee & Taft

211 N. Robinson Ave

10th Floor

Oklahoma City, OK 73102 Telephone: 405-235-9621 Facsimile: 405-235-0439

Email: cliff.dougherty@mcafeetaft.com

anthony.rahhal@mcafeetaft.com

bob.dace@mcafeetaft.com

andy.peterson@macafeetaft.com lauren.barghols@mcafeetaft.com

Attorneys for Plaintiff CAO Nguyen, Inc.

s/ Evan G. E. Vincent